



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/645,778

08/21/2003

Richard W. Whiting

1483/3

8784

25297 7590 06/04/2009
JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM, NC 27707

EXAMINER

FIELDS, BENJAMIN S

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

06/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/645,778	Applicant(s) WHITING ET AL.	
	Examiner BENJAMIN S. FIELDS	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☒ Claim(s) 1g is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The following is a **FINAL** Office Action in response to the communication received on 20 April 2009. Claims 1-50 are pending in this application.

Response to Amendments

2. The Examiner acknowledges the Telephonic Interview and communication held 6 April 2009 with the Applicants as well as all comments and remarks submitted regarding such.

3. The Examiner removes the originally asserted 35 U.S.C 101 Rejection of Claims 1-13 and 48 in view of the Applicants amendments and remarks regarding such.

4. Applicants Amendments to Claims 1-50 has been acknowledged in that: **NO Claims have been newly cancelled; Claims 1, 12, 14, 25, 27, and 48-50 have been newly amended; NO Claims have been newly added;** hence, as such, **Claims 1-50 are pending in this application.**

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bent et al. (US PG Pub. No. 2006/0212385), [hereinafter Bent] and Jacobsen (US PG Pub. No. 2003/0023529), [hereinafter Jacobsen] in view of Matching Small Banks with Large Muni Deposits, [hereinafter the NPL reference].

Referring to Claim 1: Bent in combination with Jacobsen teach a method for facilitating financial transactions between depositor groups and commercial banks, the method comprising: (a) determining, using a control center with at least one computer, deposit needs of a plurality of depositor groups (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); (c) notifying, using the control center with the at least one computer, commercial banks of the availability of the stable funds source and an amount of funds available in the stable funds source (Bent: Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); (e) determining, using the control center with the at least one computer, an amount of money collectively needed by the different commercial banks (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); (f) receiving, using the control center with the at least one computer, account postings from the commercial banks (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); and (h) allowing, using the control center with the at least one computer, the depositor groups to withdraw funds from the accounts on a demand basis without penalty (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025)(Jacobsen: Abstract; Figures 1-4; Page 1, Paragraph 0006-Page 2, Paragraph 0037).

Bent in combination with Jacobsen, however, does not expressly disclose (b) aggregating, using the control center with the at least one computer, the deposit needs of the depositor groups to provide a stable funds source usable by a plurality of different commercial banks as core deposits; (d) setting, using the control center with the at least one computer, an interest rate to be paid to the depositor groups to a predetermined value based on an interest rate that the commercial banks are willing to pay for the stable funds source and an interest rate the depositor groups expect as a return for use of funds in the stable funds source; (g) communicating, using the control center with the at least one computer, the interest rate to be paid to the depositor groups and the amount of money collectively needed by the different commercial banks to the depositor groups, receiving deposits, and depositing, **using the control center with the at least one computer**, funds from the stable funds source in the accounts.

The NPL reference, in a similar environment, discusses (b) aggregating, using the control center with the at least one computer, the deposit needs of the depositor groups to provide a stable funds source usable by a plurality of different commercial banks as core deposits (Pages 2-4); (d) setting, using the control center with the at least one computer, an interest rate to be paid to the depositor groups to a predetermined value based on an interest rate that the commercial banks are willing to pay for the stable funds source and an interest rate the depositor groups expect as a return for use of funds in the stable funds source (Pages 2-4); (g) communicating, using the control center with the at least one computer, the interest rate to be paid to the depositor groups and the amount of money collectively needed by the different commercial banks

Art Unit: 3692

to the depositor groups, receiving deposits, and depositing, using the control center with the at least one computer, funds from the stable funds source in the accounts (Pages 2-4).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the method of Bent in combination with Jacobsen for money fund banking with multiple banks and/or rates and a method and apparatus for fully insuring large bank deposits with the features of the NPL reference for the purpose of allowing a bank the ability to report the funds deposited within accounts as core deposits and utilize such funds for additional monetary gain, etc.

Referring to Claim 2: Bent discusses a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of trust departments at commercial banks and wherein aggregating the deposit needs includes aggregating funds from the trust departments at multiple different commercial banks (Bent: Page 2, Paragraph 0018-Page 3, Paragraph 0027; See Claims).

Referring to Claim 3: Bent in combination with Jacobsen teaches the limitations of Claim 1.

Bent, in combination with Jacobsen, however, does not expressly disclose a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of different municipalities and wherein aggregating the deposit needs includes aggregating funds from the municipalities.

The NPL reference, in a similar environment, shows a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of different municipalities and wherein aggregating the deposit needs includes aggregating funds from the municipalities (Pages 2-4).

Referring to Claim 4: Bent in combination with Jacobsen discusses the limitations of Claim 1.

Bent, however, does not expressly disclose a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of different pension funds and wherein aggregating the deposit needs includes aggregating funds from the pension funds.

Jacobsen, in a similar environment, shows a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of different pension funds and wherein aggregating the deposit needs includes aggregating funds from the pension funds (Jacobsen: Abstract; Page 1, Paragraph 0006-Page 5, Paragraph 0081).

Referring to Claim 5: Bent in combination with Jacobsen teaches the limitations of Claim 1.

Bent, in combination with Jacobsen, however, does not expressly show a method wherein notifying commercial banks of the availability of the stable funds source includes posting an amount of funds available and the interest rate on a website accessible by the commercial banks.

The NPL reference, in a similar environment, teaches a method wherein notifying commercial banks of the availability of the stable funds source includes posting an amount of funds available and the interest rate on a website accessible by the commercial banks (Pages 2-4).

Referring to Claim 6: Bent in combination with Jacobsen shows the limitations of Claim 1.

Bent, in combination with Jacobsen, however, does not expressly disclose a method wherein notifying the commercial banks of the availability of the stable funds source includes automatically emailing the commercial banks of the amount of funds available and the interest rate at which the funds are available.

The NPL reference, in a similar environment, shows a method wherein notifying the commercial banks of the availability of the stable funds source includes automatically emailing the commercial banks of the amount of funds available and the interest rate at which the funds are available (Pages 2-4).

Referring to Claim 7: Bent in combination with Jacobsen shows the limitations of Claim 1.

Bent, in combination with Jacobsen, however, does not expressly discuss a method wherein setting the interest rate to be paid to the depositor groups to a predetermined value includes setting the interest rate to a value below the interest rate that the commercial banks are willing to pay for the funds.

The NPL reference, in a similar environment, teaches a method wherein setting the interest rate to be paid to the depositor groups to a predetermined value includes setting the interest rate to a value below the interest rate that the commercial banks are willing to pay for the funds (Pages 2-4).

Referring to Claim 8: Bent shows a method wherein receiving account postings and depositing funds in the accounts include establishing a custodian [administrator] to manage cash flow into and from the accounts (Bent: Abstract; Page 1, Paragraph 0005-Page 3, Paragraph 0025).

Referring to Claim 9: Bent teaches a method wherein allowing the depositor groups to withdraw funds on a demand basis includes providing a web interface for the depositor groups to access funds in one dollar dominations on a daily basis without penalty (Bent: Abstract; Claims 350-357).

Referring to Claim 10: Bent discloses a method comprising receiving incoming deposits and withdrawal requests from the depositor groups, satisfying the incoming withdrawal requests using the incoming deposits, and updating account records to change ownership of deposited funds without withdrawing funds from the commercial banks (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025).

Referring to Claim 11: Claim 11 parallels the limitations of Claim 9. As such, Claim 11 is rejected under the same basis as is Claim 9 as mentioned supra.

Referring to Claim 12: The NPL reference discusses a method wherein depositing funds in the accounts includes depositing funds in excess of a federal

Art Unit: 3692

deposit insurance limit from a single depositor group in an account of a single commercial bank and providing federal deposit insurance or a collateral for the entire deposit (Pages 2-4).

Referring to Claim 13: The NPL reference shows a method wherein the commercial banks report the funds deposited in the accounts as core deposits (Pages 2-4).

Referring to Claims 14-15, 20-25 and 49: Claims 14-15, 20-25 and 49 are directed towards a computer program product for Claims 1-2, 7-12 and 48. As such, Claims 14-15, 20-25 and 49 are rejected under the same basis as are Claims 1-2, 7-12 and 48 as mentioned supra.

Referring to Claims 16-19, and 26: Claims 16-19 and 26 are directed towards a computer program product for Claims 3-6 and 13. As such, Claims 16-19 and 26 are rejected under the same basis as are Claims 3-6 and 13 as mentioned supra.

Referring to Claim 48: The NPL reference shows a method wherein the depositor groups comprise depositor groups and wherein the accounts comprise master negotiated order of withdrawal accounts (Pages 2-4).

Referring to Claims 27-47 and 50: Claims 27-47 and 50 are the system for the method of Claims 1-2, 7-12 and 48. As such, Claims 27-47 and 50 are rejected under the same basis as are Claims 1-2, 7-12 and 48 as mentioned supra.

Response to Arguments

7. Applicants arguments filed 20 April 2009 have been fully considered but have been found to be **moot** and **non-persuasive** in view of the **new grounds of rejection**.

Examiner Note

8. **The Examiner has pointed out particular reference(s) contained in the prior art of** record within the body of this action for convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. **Applicant**, in preparing the response, should **fully consider the entire reference** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

9. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3692

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

2 June 2009

/Harish T Dass/

Primary Examiner, Art Unit 3692